

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GLENN DARNELL DEAN,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:12-cv-00323-JCM-GWF

ORDER

The court granted respondents' motion to dismiss (#26), finding that ground 2(A), ground 3, and part of ground 1 were not exhausted in the state courts. Order (#33). Petitioner has submitted a motion for partial dismissal (#34), asking to dismiss the unexhausted grounds, with an accompanying declaration signed by petitioner himself (#35). The court grants the motion.

In the motion for partial dismissal (#34), petitioner has rewritten ground 1 to remove the unexhausted parts of the ground; that rewriting shall become the operative version of ground 1.

IT IS THEREFORE ORDERED that petitioner's motion for partial dismissal (#34) is **GRANTED.**

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1 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
2 of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules
3 Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five
4 (45) days from the date on which the answer is served to file a reply.

5 DATED: June 3, 2014.

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8 JAMES C. MAHAN
United States District Judge
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